

Comhairle Chontae Atha Cliath Theas

PR/0743/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0117 **Application Date:** 22-Apr-2022
Submission Type: New Application **Registration Date:** 22-Apr-2022
Correspondence Name and Address: Joseph J. Warren The Nook Hillside, Kilcullen, Co. Kildare, R56 Y651
Proposed Development: Construction of single storey dwelling with waste water treatment system; well; 3 polytunnels in relation to proposed on-site strawberry farm enterprise and all site works.
Location: McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin
Applicant Name: Annette & Alan Richie
Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.52 hectares.

Site Description:

The site on McDonagh's Lane is located in the townland of Glenaraneen, approx. 500m west of Brittas Village. The road is narrow and rises steeply from the N81 which is located some 500m to the east of the site. The site is irregularly shaped with road frontage of approximately 46m. The site increases in width as it extends in a westerly direction. There is an embankment along the northern boundary of the site. The contours of the site vary with the highest part of the site to the north. The east of the site is over 1m higher than that of the road. The Brittas Little watercourse runs approximately 70m to the rear (west/southwest) of the site and this watercourse is a tributary of the Brittas River. The site has been subject of extensive clearance and placement of gravelled surfacing and wide gravelled entrance way.

Site visited:

18 May 2022

Proposal:

Permission is sought for alterations the following:

- Single storey 3-bedroom **detached house** (160 sq.m)
- Wastewater treatment system and well
- 3 no. polytunnels for strawberry farm

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Zoning:

The site is subject to zoning objective 'HA-DM' – *'To protect and enhance the outstanding natural character of the Dublin Mountains Area.'*

Consultations:

Public Realm – **Further information** recommended

Roads – **Refusal** recommended

Surface Water Drainage – **Further information** recommended

Irish Water – No objection, **conditions** recommended

Environmental Health Officer – **Further information** recommended

An Taisce – **Objection**

SEA Sensitivity Screening

Indicates overlap with the following layers:

- High Amenity Dublin Mountain 2016
- Sites of Geological Interest 2016

Submissions/Observations /Representations

Submission expiry date – 26 May 2022

No submissions or objections received.

Relevant Planning History

Subject Site

There is an extensive planning history on the subject site for residential development, with different options for rural industry, dating back to 2016 (SD16A/0194 and PL06S.247085). All previous applications for development at the site have been refused for similar reasons, in particular that previous reasons for refusal have not been overcome. The reasons for refusal can be summarised as follows:

- Site zoning HA-DM *'to protect and enhance the outstanding natural character of the Dublin Mountain area'*, where it is a policy to restrict residential development. The development would therefore be a material contravention of the zoning objective.
- The applicant does not come within the scope of the exceptional circumstances outlined under Policy H23 Objective 1 set out in the development plan for a house at this rural location and the development would therefore materially contravene the zoning objective for the area.
- Deficient justification has been provided which would warrant the setting aside of the objectives of Policy H20 which states, *'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.'*

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- The proposed development would be a further addition of suburban-like sporadic development, would be visually obtrusive when viewed from the south and west, and would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains.
- The proposed development would represent the proliferation of further one-off housing in the designated strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 could prejudice the sustainable achievement of the approved Regional Settlement Strategy for the Greater Dublin Area.
- With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views.
- The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.
- McDonagh's Lane is a substandard rural road which is inadequate in width, and which has no footpaths, public lighting, drainage and has poor horizontal/vertical alignment. This proposal constitutes undesirable ribbon development on a substandard rural road network, which will lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area. The vertical/horizontal alignments are severely sub-standard, and the laneway is not wide enough for two cars to pass each other. The proposed development and development to be retained would endanger public safety by reason of traffic hazard and obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.
- The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area

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Spatial Plan, which forms part of the RSES. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

SD21A/0263: Construction of a single storey dwelling, waste water treatment system, well, 3 polytunnels in relation to proposed on site strawberry farm enterprise and all site works.

Reasons for Refusal:

1. *The proposed development does not overcome the reason(s) for refusal relating to Rural Housing policies in the South Dublin County Development Plan 2016 - 2022, under Reg. Ref. SD20A/0157.*

(a) *Having regard to the location of the site within an area subject to Housing (H) Policy 23 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Council Development Plan 2016- 2022, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that none of the applicants come within the scope of the housing need criteria as set out in the development plan for a house at this location. The development would therefore contravene Policy H23 of the County Development Plan and the proper planning and sustainable development of the area.*

(b) *Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' Insufficient justification has been provided which would warrant the setting aside of the objectives of Policy H20 in this instance. The proposed development would constitute urban generated housing, would contravene the objective of the planning authority, and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in Policy H20 of the South Dublin County Council Development Plan 2016-2022, to channel housing into 'existing settlements'. As such, the proposed development would materially contravene this objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.*

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2. *The proposed development does not overcome the previous reason for refusal relating to regional policy under reg. ref. SD20A/0157. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism, and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the core strategies of the County Development Plans. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.*
3. (a) *The proposed development does not overcome the previous reason(s) for refusal relating to national rural housing policy under Reg. Ref. SD20A/0157. It is considered that the applicants have not satisfactorily justified an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The development, in the absence of any identified locally based genuine need for the house, would contravene local and national housing policy and objectives, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
(b) *The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism, and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural*

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Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the core strategies of the County Development Plans. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

4. *The site is zoned 'HA-DM' - To protect and enhance the outstanding natural character of the Dublin Mountains Area.' The proposed development has not overcome the previous reasons for refusal relating to the impact on the outstanding natural character of the Dublin Mountains, under Reg. Ref. SD20A/0157.*

- (a) *The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 – 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.*

- (b) *With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant and protected views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development*

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would seriously injure the amenities of property in the vicinity, would materially contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.

- (c) *The site is in an area zoned 'Objective HA (LV, DV, DM); To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas' and there are specific conservation objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane. It is considered that the works carried out to date have adversely affected the character of the mountain area. Therefore, it is also considered that the proposed development would adversely affect the significant views along McDonagh's Lane that it is an objective to protect and preserve, would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.*
5. *The proposed development has not overcome the previous reasons for refusal relating to inadequate road frontage and ribbon development, under Reg. Ref. SD20A/0157. Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) of the South Dublin County Council Development Plan 2016-2022 states that a minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of roads in a manner that creates ribbon development should be avoided. It is the policy of the planning authority as set out in the development plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to the demands for the provision of further public services and community facilities. The development would, therefore, be contrary to the proper planning and sustainable development of the area.*
6. (a) *The proposed development has not overcome the previous reasons for refusal relating to inadequate sightlines and traffic hazard, under Reg. Ref. SD20A/0157. It has not been satisfactorily demonstrated that sightlines of 90 metres in both directions can be achieved from either the existing or proposed entrances. In addition, the existing entrance represents an intensification of the original agricultural use of the lands and the continuation of development, in addition to the proposed use of the lands, which would generate additional traffic on the substandard rural road network and would result in increased traffic movement on this roadway which would endanger public safety by reason of traffic hazard.*
(b) *The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.*
7. *There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant has not submitted a report showing site specific soil*

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percolation test results and design calculations for the proposed soakaway (or trench soakaway) in accordance with BRE Digest 365 - Soakaway Design. Furthermore, a site suitability report indicating the condition of the site with respect to the suitability of the proposed waste water treatment system is not provided. A map showing the location of trial holes is also not provided. The proposed development would therefore be contrary to the GI and drainage policies and objectives contained within the South Dublin County Council Development 2016-2022 and would be contrary to the proper planning and sustainable development of this area of outstanding natural character of the Dublin Mountains Area.

SD20A/0157: Erection of three bed bungalow; strawberry farming; contain of 1 stable area for horse; food store and forge installation of wastewater treatment plant and percolation area stormwater disposal; new vehicular access and walling; existing well & pumphouse; landscaping and ancillary site works; temporary Retention of an existing 2 bed log cabin; temporary septic tank and temporary vehicle driveway. **Refuse Permission and Refuse Retention as previous reasons for refusal under SD19A/0211 not overcome.**

SD19A/0211 & ABP-305499-19: Erection of 3 bed house; Christmas Tree Farming; 1 stable area for horse, food store and forge; installation of wastewater treatment plant and percolation area; storm water disposal; new vehicular access and walling, well, landscaping and ancillary site work; temporary Retention of an existing 2 bed log cabin; temporary septic tank and well; pumphouse and temporary vehicle driveway. **Permission Refused by SDCC and upheld by An Bord Pleanála.**

SD19A/0010: Erection of 3 bed bungalow, installation of wastewater treatment plant and percolation area; storm water disposal; vehicular access and walling; well; landscaping and ancillary site work; agriculture storage for hobby farming; containing 1 stable; area for goats & food store and forge; temporary Retention of an existing 2 bed log cabin; temporary septic tank; well; pump house and temporary vehicle driveway. **Permission Refused.**

SD18A/0260: 3 bed bungalow, installation of wastewater treatment plant and percolation area, storm water disposal, new vehicular access, and walling, well, landscaping and ancillary site work. Also, the temporary retention of an existing 2 bed log cabin, temporary septic tank, well, pump house and temporary vehicle driveway. **Permission Refused.**

SD18A/0016: 3 bed bungalow, installation of wastewater treatment plant and percolation area storm water disposal, new vehicular access, and walling, well, landscaping and ancillary site work. Also, the temporary Retention of an existing 2 bed log cabin, temporary septic tank, well, outhouse and temporary vehicle driveway. **Permission Refused.**

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SD16A/0194 and PL06S.247085: erection of 3 bed bungalow, installation of wastewater treatment plant and percolation area, stormwater disposal, new vehicular access, and walling, well, landscaping and ancillary site works. **Permission refused by SDCC and upheld on appeal by An Bord Pleanála**

Other Sites on McDonagh's Lane

SD17A/0347: Retention of single storey timber residential structure. **Permission refused by SDCC and upheld by An Bord Pleanála**

SD06A/0112: Permission **refused** for detached bungalow, sewage treatment facility and associated site works.

SD05A/0441: Permission **refused** for detached bungalow, sewage treatment facility and associated site works.

SD04A/0718: Permission **refused** for bungalow, waste treatment unit, bored well, site works and boundary treatment.

S01/0005: Outline permission **refused** for a bungalow and septic tank.

S00B/0321: Permission **refused** for the demolition of existing garage, proposed retirement flat extension of 186.76sq.m area to existing bungalow and double garage to rear of extension.

Relevant Enforcement History

S7830: Potential:

- Construction of a wooden structure for residential habitation, a dwelling house.
- The construction of a new vehicular entrance onto McDonagh's Lane.
- The development of a wastewater treatment system & percolation area.
- The construction of an ESB outhouse to the rear (west) of the wooden structure residence.

Pre-Planning Consultation

None recorded for subject site.

Relevant Policy in South Dublin County Council Development Plan 2016-2022

Section 2.5.0 Rural Housing

Policy H20 Management of Single Dwellings in Rural Areas

Policy H21 Rural Housing Policies and Local Need Criteria

Section 2.5.8 Rural House & Extension Design

Policy H27 Rural House & Extension Design

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It is policy of the Council to ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H27 Objective 1:

Ensure that all new rural housing and extensions within areas designated with Zoning Objective 'RU' (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective 'HA-LV' (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective 'HA-DV' (to protect and enhance the outstanding character and amenity of the Dodder

Valley):

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- Retains and reinstates traditional roadside and field boundaries; and*
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
- Would not create or exacerbate ribbon or haphazard forms of development.*

Section 11.3.4 Rural Housing

Section 11.3.4 (i) Housing Need

Section 11.3.4 (ii) Rural Housing Design

Section 8.1.0 Green Infrastructure Network

Policy G2 Green Infrastructure Network

Section 8.2.0 Watercourses Network

Policy G3 Watercourses Network

Policy HCL1 Heritage, Conservation and Landscapes

Policy HCL2 Archaeological Heritage

Section 9.2.0 Landscapes

Policy HCL7 Landscapes

Section 9.2.1 Views and Prospects

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Table 9.2: Prospects to be Preserved and Protected
Policy HCL8 Views and Prospects
Section 9.2.3 Dublin Mountains
Policy HCL9 Dublin Mountains
Section 9.2.4 Liffey Valley and Dodder Valley
Policy HCL10 Liffey Valley and Dodder Valley
Section 9.3.0 Natural Heritage Sites
Section 9.3.1 Natura 2000 Sites
Table 9.3 Natura 2000 Sites
Policy HCL12 Natura 2000 Sites
Section 9.3.2 Natural Heritage Areas
Table 9.4 Proposed Natural Heritage Areas
Policy HCL13 Natural Heritage Areas
Section 9.3.5 Non-Designated Areas
Policy HCL15 Non-Designated Areas
Section 9.4.0 Public Rights of Way and Permissive Access Routes
Policy HCL16 Public Rights of Way and Permissive Access Routes
Section 9.7.0 Sites of Geological Interest
Table 9.6 County Geological Sites for Protection
Policy HCL19 Geological Sites

Section 11.3.4 (iii) Wastewater Treatment
Section 11.7.2 Energy Performance in New Buildings
Section 11.8.2 Appropriate Assessment

Schedule 1: Record of Monuments and Places

Relevant Government Policy & Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018
Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, 2019.
Sustainable Rural Housing Guidelines for Planning Authorities, DoEHLG, 2005.
Wastewater Treatment and Disposal Systems Serving Single Houses, Environmental Protection Agency, 2009.
The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, 2009.
Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG, 2009.
Circular SP 5/08 – Conformity with Articles 43 and 56 of European Community Treaty (Freedom of Establishment and Free Movement of Capital), DoEHLG, 2008.

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Relevant National Policy Objectives in National Planning Framework

National Policy Objective (NPO) 2a

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

NPO 15

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e., within the commuter catchment of cities and large town and centres of employment, and elsewhere:

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

NPO 20

Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

Relevant policy and Regional Policy Objectives in Regional Spatial & Economic Strategy

Section 4.3: Defining a Settlement Typology

For 'Towns, Villages and Rural Areas', the following policy response is stated:

Consolidation coupled with targeted rural housing and investment policies where required to improve local employment, services, and sustainable transport options and to become more self-sustaining.

Align Population, Employment and Housing Growth – *Divergence between the places people live and work leads to long-distance commuting and congestion, which is having a negative impact on quality of life. To address this, promote sustainable growth in the right locations and 'catch up' investment and consolidation in local services, amenities and employment in areas that have experienced large scale commuter driven housing development.*

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Compact Sustainable Growth – Promote compact, sequential, and sustainable development of urban areas from large to small to realise targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs, and a target of at least 30% for other urban areas. Support co-ordination across local authorities and agencies to promote active land management and better use of under-utilised, brownfield and public lands.

Climate Action – to accelerate a transition to a greener, low carbon and climate resilient region with focus on energy transition, carbon sequestration and reduced travel demand through the promotion of sustainable settlement patterns. Support the Climate Action Regional Offices and local authorities in their implementation of climate strategies.

Section 4.8 – Rural Places: Towns, Villages, and the Countryside

The National Planning Framework and RSES make a distinction between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and rural areas outside these catchments.

Core strategies for county development plans shall identify areas under strong urban influence in the hinterlands of settlements and set the appropriate rural housing policy response to avoid ribbon and over spill development from urban areas, support revitalised towns and villages, achieve sustainable compact growth targets, sustainably address rural decline, and protect the rural resource for rural communities.

Regional Policy Objective (RPO) 4.78

Development plans should support the development of a 'New Homes in Small Towns and Villages' initiative which would augment the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create 'build your own home' opportunities within the existing footprint of rural settlements to provide new homes to meet housing demand.

RPO 4.79

Local authorities shall identify and provide policies that recognise the contribution that small towns, villages, and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism, and forestry enterprise is supported.

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RPO 4.80

Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

RPO 4.81

In rural areas outside the Rural Areas Under Strong Urban Influence local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation, facilitate the provision of single houses in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Section 5: Dublin Metropolitan Area Strategic Plan

RPO 5.5

Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

RPO 5.7 – MASP Green Infrastructure

Co-ordinate across local authority boundaries to identify, manage, develop, and protect regional Green Infrastructure, to enhance strategic connections and develop a Green Infrastructure policy in the Dublin Metropolitan Area.

Assessment

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and Visual Amenity
- Overcoming Previous Reasons for Refusal
- Public Realm
- Roads
- Services, Drainage, and the Environment
- Environmental Health
- An Taisce

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- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Policy

South Dublin County Development Plan 2016 - 2022

The site is subject to zoning objective 'HA-DM' – *'To protect and enhance the outstanding natural character of the Dublin Mountains Area.'* Residential development is only permitted in the HA-DM zone in accordance with Council policy for residential development in rural areas, and if development would be below the 350m contour. The site is located below the 350m contour however, it should be noted that along the section of McDonagh's Lane where the subject site is located, there is an objective to 'Protect and Preserve Significant Views'.

H23 Objective 1 states the Council will consider new or replacement dwellings within areas designated with Zoning Objective 'HA-Dublin Mountains' where **all** the following criteria are met:

- *The applicant is a native of the area* – the application has been made by 2 applicants. Evidence has been submitted to prove that 1 of the applicants is a native of the area, with supporting evidence as follows:
 - Letter dated 2016 from parish priest confirming baptism and school attendance within the area as well as baptism, communion, and confirmation of applicants' child
 - Letter dated 2016 from St Martins National School confirming attendance of 1 applicant at the school from 1984 to 1992 and attendance of applicants' child between 2005 – 2013. Letter from Parents Association Member also confirming involvement of 1 applicant in the Parents Association until 2013.
 - Letter from Holy Family Community School dated 2016 confirming attendance of 1 applicant from 1992 – 1997 and applicants' son from 2013.
 - Marriage certificate dated 2008 confirming applicants wedding in Saggart
 - Birth certificate confirming birth of applicant's child in 2001
 - Letter (undated) from Brittas Community confirming involvement of 1 applicant in community fundraising
 - Letter from Rathcoole Boys Football Club, dated 2016, confirming involvement of applicants' son with the team.
 - Letter from Ulster Bank, dated 2022, confirming employment, and imminent redundancy of 1 applicant

It is noted that much of the evidence submitted is dated from 2016, more recent evidence such as bank statements confirming a current address and ongoing involvement in the area has not been provided. Furthermore, no evidence has been submitted in relation to the second applicant.

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- *The applicant can demonstrate a genuine need for housing in that particular area – the applicant has provided medical reports for both parents where it is stated there will be an indefinite need for assistance in running the home and for some day-to-day tasks.*
- *The development is related directly to the area's amenity potential or to its use for agriculture, mountain, or hill farming – the applicant has stated the house would support a proposed strawberry farm use. It is noted that previous agricultural uses at the site have included a Christmas tree farm. A business plan has been submitted in relation to the strawberry farm however, no additional information such as plans or elevations of the polytunnels has been submitted. The Local Enterprise Office has reviewed the business plan and have stated that the document provided 'is not a comprehensive enough document... It is a general overview but is missing core components of a complete business plan and as such it's not possible to draw any conclusion about its viability.' On this basis the business element of the development cannot be assessed as viable and without this element, the proposal cannot be considered to relate directly to the area's amenity potential or to its use for agriculture.*
- *The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area – an arboricultural assessment dated from 2016 has been submitted, confirming extensive site clearance has already been undertaken. It is not considered that this report provides an up-to-date assessment of the situation at the site as the circumstances of vegetation at the site and impacts on the surrounding area could have changed within the intervening 6-year period. In addition, an AA Screening Report from 2016 and an Ecology Report from 2019 have been submitted. Both of these reports would also be considered to be out of date.*

National and Regional Policy

National Policy Objective 15 of the National Planning Framework states it is policy to 'Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by **managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.**' [Emphasis added]. In addition, NPO 19 states it is policy to differentiate between rural areas under urban influence, and elsewhere. In rural areas under urban influence, the NPF states that housing should only be provided where there is a 'demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

Regional Strategic Objective 2 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy relates to compact growth and the objective to: *Promote the*

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regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. RSO 2 aims to: Support sustainable rural development and strengthen rural networks, economies, and communities. Manage urban generated growth in areas under strong urban influence and encourage sustainable growth in areas that have experienced decline or stagnation.

Given the location of the site, within easy commuting distance of Dublin city centre and other local centres, the site is considered to be an area under strong urban influence. Based on the information provided, it is not considered that the applicant has provided sufficient information to demonstrate a definite economic or social need to live at the proposed development site.

Residential and Visual Amenity

The proposal comprises a three-bedroom detached single storey house, first proposed under SD21A/0263. It is noted that a site analysis and character appraisal of the development, providing a rationale for the design and siting of the proposed development, have not been submitted. This is a requirement under Section 11.3.4(ii) Rural House Design, as stated in the Development Plan. The applicant should be requested to submit this information as **additional information**.

The house would comprise three sections. A living block containing kitchen, dining, and living areas, with a part hipped, part pitched roof connected to a flat roof section containing an entrance hallway hot press and family bathroom connected to a bedroom wing with three bedrooms and a living room with an arched roof.

The window serving bedroom 3 is considered to be substandard, located at a tight angle providing a view of the bathroom window and northern elevation of the dwelling. The Planning Authority would have a concern about the light achieved by this room and the substandard aspect, being east facing but only receiving indirect sunlight from the north given the orientation and design of the house.

The site is located at an elevated position along McDonagh's Lane. While the house is not sited at a high point within the site, it would still be visually prominent in the landscape, given the elevated position of the site at a minimum of 269.5m above sea level. Section 11.3.4(ii) states that *'dwellings and extensions should not be located on a ridgeline or in an elevated position in the landscape.'* On this basis, residential development at this location is not considered acceptable.

From the site layout it appears that there would be a significant driveway and carparking area. Section 11.3.4(ii) of the Development Plan states that *'driveway and parking areas should be*

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minimised and should follow the natural slope and contours of the site with appropriate permeable materials. On this basis, the proposed driveway and parking area would not be considered acceptable. The east elevation indicates double doors would be accessed directly from the driveway while the floor plan indicates a single door access. An entrance door into the 'vestibule' is shown on the south elevation however, from the site layout plan it is not clear what landscaping would provide access to this doorway and there would be a concern the driveway would be extended around to this elevation, further contravening Section 11.3.4(ii). The applicant should be requested to submit a detailed landscape plan, clearly showing areas of landscaping and hardstanding. This could be requested as **additional information**.

Policy H27 Objective 1 of the Development Plan states it is an objective to '*ensure that all new rural housing and extensions within areas designated with ... Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) ...*

- *Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features;* Given the existing site clearance and lack of landscaping proposed, it is considered that the house would be visible and would impact on the view of the area when viewed from afar. In this regard the dwelling does not meet the criteria of H27 Obj 1.
- *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings;* The applicant has submitted AA Screening and Ecological Reports dating from 2016 and 2019. These are considered to be out of date, and it cannot be determined on the basis of this evidence that there would not be a negative impact on the environment as a result of this development.
- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features;* The house has been located in a low point of the site. An existing site survey has not been provided and it cannot therefore be determined how well the house has been designed to correlate with the site's contours.
- *Retains and reinstates traditional roadside and field boundaries;* from the proposed site layout drawings it appears that the site boundary would be comprised of new native hedgerow planting. It is considered that this would be the traditional boundary in the area however, it is clear from a site visit that the original site boundary has already been removed and any site boundary proposals will be required to reinstate what has been cleared.
- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls;* An existing site survey has not been provided and it is not clear from the drawings whether intrusive engineered solutions would be required to facilitate its construction.
- *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*

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- *Would not create or exacerbate ribbon or haphazard forms of development* – McDonaghs Lane is comprised of a significant number of individual dwellings. The road, as stated in the Roads department report, is substandard, and it would be the Planning Authorities opinion that development at this site would contribute to and exacerbate haphazard forms of development on an insufficient country road with limited services.

On the basis of the above, it is not considered that residential development at the site would comply with the policies and objectives of the Development Plan 2016 – 2022, or national and regional policy in relation to residential development.

Overcoming Previous Reasons for Refusal

It is noted that there have been several decisions refusing permission for similar development at this site. Previous reasons for refusal have concerned the same issues relating to zoning, council policy, landscape suitability and traffic hazard. This section focuses on the reasons specific to the most recent decision, SD21A/0263, noting that all the reasons stated to a lack of overcoming previous reasons for refusal under SD20A/0157.

It is considered that some of the reasons for refusal can be grouped, as the issues to overcome are similar.

Reasons 1, 2 and 3 of the previous refusal broadly relate to local and national policy regarding the location of rural development, and the criteria that must be met in order to permit development at sensitive locations such as the subject site. The applicant has not provided a sufficient rationale for locating a dwelling at this location and not in an existing settlement, nor have they provided sufficient information to confirm a genuine need to live at this location and meet the housing need criteria or provided evidence that a business related to the land is viable at this location. Therefore, they have not overcome the previous reasons for refusal that development at this location would not comply with H Policies 20 and 23 of the Development Plan and NPO 19 of the NPF. In this regard, these reasons for refusal **have not been overcome**.

Reason 4 related the sites zoning objective, 'HA-DM', to protect and enhance the outstanding natural character and amenity of the area. The design and siting of the house remains unchanged from the previous application. The landscape within which the site is located has been designated as an area with a high landscape value and sensitivity and a landscape capacity that is negligible to low. The applicants have not provided a design rationale for the dwelling, addressing its location in the HA-DM zone, and how it would comply with the sites zoning objective. Therefore, this reason has not been addressed by the current application and consequently **has not been overcome**.

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In relation to Reasons 5 and 6 of the refusal (ribbon development and sightlines), the Roads Department have reviewed the current application and have recommended refusal for similar grounds as follows:

- 1. The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The proposed development would be contrary to the proper planning and sustainable development of the area.*
- 2. The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.*

In addition, from drawings the road frontage of the site would not exceed 46m and the applicants have therefore not addressed the requirement for a minimum road frontage of 60m. In this regard, this reason for refusal **has not been overcome**.

Reason 7 related to soil percolation tests and a site suitability report. The applicant has not provided any soil percolation test results, design calculations or dimensions or a report showing site specific soil percolation test results and design calculations for the proposed soakaway. In addition, they have not submitted a site suitability report. There is the potential for these items to be obtained through a request for **additional information**. In this regard, this reason for refusal **has not been overcome**.

Based on the above, the applicant has not sufficiently addressed a single previous reason for refusal and the application should therefore be **refused**.

Public Realm

The Public Realm section have reviewed the application and have recommended **additional information** is requested as follows:

- 1. There are concerns with the lack of information submitted in terms of a landscaping scheme and boundary treatment for the proposed development. The applicant is requested to provide a landscape design including details of boundary treatment for the proposed development. The applicant shall provide a detailed landscape plan with full works specification, that accords with the specifications and requirements of the Public Realm Section. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including*

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swales and integrated tree pits. The landscape proposals to be prepared by a suitably qualified landscape architect.

2. *There are concerns with the lack of information submitted in relation to existing trees and hedgerows within the site. The applicant is requested to submit a comprehensive Tree Report to the SDCC Public Realm Section. This shall comprise of a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction -recommendations. The report shall be carried out by an independent, qualified Arborist*
3. *The applicant has provided little or no information as to the visual impact of the proposed development. Given the prominent location and elevation of the proposed site it is likely that the proposed development will have a negative visual impact upon the receiving landscape. Visual Impacts of the proposed development include:*
 - *direct impacts of the development upon views in the landscape; and*
 - *overall impact on visual amenity*

Having regard to the prominent location and elevation of the proposed development site; the applicant is requested to submit a Visual Impact Assessment identifying key viewpoints to the site from the surrounding area, including CGI of existing views and views of the proposed development.

4. *The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development. The applicant is requested to submit the following:*
 - (a) *A drawing to show how surface water shall be attenuated to greenfield run off rates.*
 - (b) *Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain planter boxes or other such SuDS.*
 - (c) *SUDS Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*
 - (d) *Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should provide the following:*
 - i. *Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*

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- ii. *Tree pits incorporating SUDS features should include a deep cellular water storage/attenuation area below the surface which acts as a soak away allowing surface water to infiltrate into the ground*
- (e) *The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.*

This is not the applicants first application for development at this site and these items have been raised as part of previous decisions, both in planners reports and also as reasons for refusal. It is noted that Section 11.6.1 of the Development Plan states that all new developments will generally be required to incorporate SuDS, with Green Infrastructure (G) Policy 5 stating '*it is the policy of the Council to promote and support the development of Sustainable Urban Drainage Systems (SUDS) in the County and to maximise the amenity and biodiversity value of these systems.*' Without providing any proposals for SUDS, the development would be contrary to the proper planning and sustainable development of the area. **Additional information** could be requested however, it should be noted that, while the Public Realm section have not raised any specific objection to the development, their report does comment that, '*given the prominent location and elevation of the proposed site it is likely that the proposed development will have a negative visual impact upon the receiving landscape*' [emphasis added]. Furthermore, their Report references the location of the site in the Athgoe and Saggart Hills landscape area which has a high landscape value and sensitivity and a landscape capacity which is negligible to low. Given the location of the site, the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. It is considered that this would be of significant concern and would constitute enough of a reason to recommend **refusal** for the development.

Roads

The Roads Department have reviewed the application and have recommended **refusal** on the following grounds:

1. *The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The proposed development would be contrary to the proper planning and sustainable development of the area.*
2. *The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.*

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These reasons are similar to those under previous applications and have not been addressed in any of the application documentation. The Roads department recommendation is therefore considered fair and appropriate to ensure traffic safety and limit the spread of ribbon development along McDonagh's Lane.

Services, Drainage and the Environment

Water Services has reviewed the application and have recommended **additional information** is sought as follows:

- 1.1 *There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.*
- 1.2 *The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*
 - *Permeable Paving*
 - *Grasscrete*
 - *Rain Gardens*
 - *Planter boxes with overflow connection to the public surface water sewer.*
 - *Water Butts*
 - *Channell Rills*

Irish Water have reviewed the application and state all works shall comply with Irish Water Standards codes and practices. For a full assessment of the water and foul proposals they refer to the EHO.

Environmental Health Officer (EHO)

The EHO has reviewed the application and has stated the applicant has not supplied the relevant information to allow for a full assessment of the application. They note that a site suitability report has not been provided and that their observation remains the same as per previous application SD21A/0263, recommending the following **additional information**:

A site suitability report indicating condition of site with respect to the suitability of the proposed waste water treatment system must be provided. A map showing location of trial holes must also be provided.

Since this has been recommended previously, and has not been supplied in subsequent applications, it is considered that this could provide a reason for **refusal** and that the applicant should acknowledge the requirement for this report in any future applications at the site.

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An Taisce

An Taisce have reviewed the application and have stated their objection to the development. Their response notes that this is the eight applications at the site, with seven similar applications previously refused. Their response states as follows:

'All seven applications have been emphatically refused by the County Council principally because the site is situated in the Dublin Mountain area, is in the Dublin Metropolitan area, is in the Saggart/Athgoe area and also do not comply with all four of the residential conditions of policy H23. Two of the applications have also been refused by An Bord Pleanála.

There are no reasons given on file as to why this application overcomes the reasons for refusal of the last application apart from the details of the new entrance and sightlines.'

This response has been considered in review of the application and the Planning Authority agrees that the previous reasons for refusal have not been sufficiently addressed or overcome. On this basis, **refusal** is considered appropriate.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located along McDonagh's Lane, a rural laneway in the Dublin Mountains High Amenity area. The surrounding area is rural in nature. It is noted that significant negative works have been carried out at the site, including the levelling of the site which was previously sloped. These works are contrary to the sites zoning objective and have had an impact on the amenity of the site. The development comprises construction of a dwelling and a strawberry farm, including 3 polytunnels and a waste water treatment system.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

It is noted that the applicants have submitted an AA Screening Report from 2016. This report would now be 6 years old and considered to be significantly out of date. On this basis, the conclusion of the report that *'it can be concluded objectively that should this development be granted planning permission, that there will be no impacts upon the integrity or the conservation objective of any SAC, SPA of pNHA.'* While this report has been reviewed, the Planning Authority has not fully taken it into account in reaching their conclusion and it should

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be noted by the applicant that for any subsequent applications, an updated AA Screening Report would be required.

Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, national and regional planning policy and guidelines and the overall design and scale of the development proposed it is considered that the proposed development would be contrary to the zoning objective of the site and would seriously injure the amenities of the area and would, therefore, not be in accordance with the proper planning and sustainable development of the area. The applicants have failed to address any of the previous reasons for refusal under SD21A/0263 in any meaningful way and on this basis the application should be **refused**.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The proposed development does not overcome the reason(s) for refusal relating to Rural Housing policies in the South Dublin County Development Plan 2016 - 2022, under Reg. Ref. SD21A/0263.
 - (a) Having regard to the location of the site within an area subject to Housing (H) Policy 23 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Council Development Plan 2016- 2022, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the applicants have not provided sufficient evidence to come within the scope of the housing need criteria as set out in the development plan for a house at this location. The evidence submitted is considered to be out of date, mostly dated from 2016. In addition, the business plan provided for the Strawberry farm is missing key information to provide justification for the location of

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such a business at this location and would not be considered to represent a genuine plan for a business that is necessary at this location, or which would be viable. The development would therefore contravene Policy H23 of the County Development Plan and the proper planning and sustainable development of the area.

(b) Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' Insufficient justification has been provided which would warrant the setting aside of the objectives of Policy H20 in this instance. The proposed development would constitute urban generated housing, would contravene the objective of the planning authority and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in Policy H20 of the South Dublin County Council Development Plan 2016-2022, to channel housing into 'existing settlements'. The applicants have not provided sufficient justification for a need to reside at this location and why none of the existing settlements nearby can meet their requirements. As such, the proposed development would materially contravene this objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not overcome the previous reason for refusal relating to regional policy under reg. ref. SD21A/0263. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the Regional Spatial and Economic Strategy. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace

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in line with the core strategies of the County Development Plans. The applicants have not provided sufficient justification to not reside in one of the nearby existing settlements, and the business plan provided does not provide sufficient information to consider that the proposed strawberry farm use would be viable. The proposed development would therefore represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

3. The proposed development does not overcome the previous reason(s) for refusal relating to national rural housing policy under Reg. Ref. SD21A/0263. It is considered that the applicants have not satisfactorily justified an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The development, in the absence of any identified locally based genuine need for the house, would contravene local and national housing policy and objectives, would contribute to the encroachment of ad-hoc rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The site is zoned 'HA-DM' - To protect and enhance the outstanding natural character of the Dublin Mountains Area.' The proposed development has not overcome the previous reasons for refusal relating to the impact on the outstanding natural character of the Dublin Mountains, under Reg. Ref. SD21A/0263.
 - (a) The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 – 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.
 - (b) With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong

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development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant and protected views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development would seriously injure the amenities of property in the vicinity, would materially contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.

(c) The site is in an area zoned 'Objective HA (LV, DV, DM); To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas' and there are specific conservation objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane. It is considered that the works carried out to date have adversely affected the character of the mountain area. It is considered that the proposed development would further adversely affect the significant views along McDonagh's Lane, would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

5. The proposed development has not overcome the previous reasons for refusal relating to inadequate road frontage and ribbon development, under Reg. Ref. SD21A/0263. Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) of the South Dublin County Council Development Plan 2016-2022 states that a minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of roads in a manner that creates ribbon development should be avoided. The proposed development would have a road frontage of less than 60m and would therefore not comply with the requirements of Section 11.3.4(ii). H27 Objective 1 of the Development Plan also states that new rural development would not create or exacerbate ribbon or haphazard forms of development. The development would clearly contribute to ribbon development would militate against the preservation of the rural environment and lead to the demands for the provision of further public services and community facilities. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
6. The proposed development has not overcome the previous reasons for refusal relating to traffic hazard. The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard. The

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proposed development would therefore be contrary to the proper planning and sustainable development of the area.

7. The proposed development has not overcome the previous reasons for refusal relating to soil percolation tests and site suitability, under SD21A/0263. The applicant has not submitted a report showing site specific soil percolation test results and design calculations for the proposed soakaway (or trench soakaway) in accordance with BRE Digest 365 - Soakaway Design. Furthermore, a site suitability report indicating the condition of the site with respect to the suitability of the proposed waste water treatment system has not provided. A map showing the location of trial holes is also not provided. The proposed development would therefore be contrary to the GI and drainage policies and objectives contained within the South Dublin County Council Development 2016-2022 and would be contrary to the proper planning and sustainable development of this area of outstanding natural character of the Dublin Mountains Area.
8. The applicant has not provided sufficient information to meet the requirements of H27 Objective 1 of the Development Plan which sets out specific criteria for all new rural housing developments to comply with. In addition, the applicants have not provided a site analysis and character appraisal of the development as per the requirements of Section 11.3.4(ii) of the Development Plan. Furthermore, the driveway area shown on drawings is considered to be excessive, and a minimum road frontage of 60m has not been provided. These are all requirements of Section 11.3.4(ii) of the Development Plan. In lieu of providing sufficient supporting information in relation, the application does not meet the requirements of the Development Plan and the development would therefore be contrary to the proper planning and sustainable development of the area.
9. The applicants have not proposed any Sustainable Urban Drainage Systems (SuDS) as part of the development. Section 11.6.1 of the Development Plan states that all new developments will generally be required to incorporate SuDS, with Green Infrastructure (G) Policy 5 stating 'it is the policy of the Council to promote and support the development of Sustainable Urban Drainage Systems (SUDS) in the County and to maximise the amenity and biodiversity value of these systems.' Without providing any proposals for SUDS, the development would be contrary to the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0743/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0117

LOCATION: McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin

jjohnston

Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 16/6/22



Eoin Burke, Senior Planner